

EXHIBIT A

From: Reiser, Craig M.
Sent: Thursday, January 12, 2023 7:35 PM
To: Andrew J. Urgenson, Esq.; James Reilly, Esq.
Cc: JAMIE.WINE@lw.com; nima.mohebbi@lw.com; Mike Ryan; Perryman, Neal F.; Jente, Michael L.; Terrence A. Oved, Esq.
Subject: RE: Niemann v. Carlsen, et al., No. 22-1110 (E.D. Mo.)

Counsel:

The summary you have asked us to include in our motion is inaccurate and misleading in several respects.

First, our client does not intend to “split [his] arguments” with Chess.com. As I indicated to you when we spoke today, the renewed motion we intend to bring will rely on the same legal grounds identified in the motion that we filed over a month ago on December 2, 2022. That motion incorporates certain portions of Chess.com’s motion, but makes separate arguments based on the allegations and legal claims pertinent to our client. Our last motion was 25 pages—a length Mr. Niemann consented to. We and the other defendants have requested five additional pages to renew our motions to address the new allegations and claims in Mr. Niemann’s Second Amended Complaint.

Second, as I explained when we spoke today, we are amenable to a reasonable, professional-courtesy extension of the deadline for Mr. Niemann to respond to the forthcoming motions. During our call, you requested 40 days to file opposition(s) to the respective motions to dismiss, which is 26 days more than the Local Rules permit. You said you needed this extension because you would be engaged in an arbitration of an unspecified duration beginning on February 14, 2023. We explained that we intend to renew our motions on or before the deadline provided by the Federal Rules (i.e., January 24, 2023), meaning your opposition(s) would at the latest be due a full week before the arbitration even commences.

We also explained that conditioning your agreement to our request to enlarge the page limits on our agreeing to Mr. Niemann having 40 days to file opposition(s) is unreasonable and excessive, given that Mr. Niemann has been aware of the grounds for defendants’ motions since the motions were filed in early December. While the motions of course need to be updated to address the new allegations and legal claims Mr. Niemann has injected into this case through his Second Amended Complaint, the grounds for dismissal are generally unchanged. Presumably, you have examined the motions to dismiss carefully as you drafted and filed your Second Amended Complaint and should be prepared to address foreseeable legal arguments.

Third, as I also explained during our call, while we are likewise amenable to a reasonable enlargement of the page limitation(s) for Mr. Niemann’s opposition(s), you told us that you are not presently certain as to whether you would file separate oppositions or a single, omnibus opposition. You also acknowledged that you doubted Mr. Niemann would actually need 90+ pages to respond to the motions. We suggested that we defer further discussion on your unspecified page-enlargement request until such time as Mr. Niemann determines how he will be responding, and how many pages Mr. Niemann actually needs to respond. When you said you were unwilling to do that, we explained we are not comfortable offering blanket consent to a page-length enlargement for your opposition(s) where the proposed length you are requesting may be considered by the Court to be excessive—especially since, as you know from having seen the motions filed in response to Mr. Niemann’s Amended Complaint, defendants have endeavored to present their arguments in a non-duplicative fashion by incorporating by reference sections of other defendants’ briefing.

Because Mr. Niemann has refused to consent to our request for an enlargement of the page limitation for defendants to file separate motions that are five pages larger than the motions filed in response to Mr. Niemann’s Amended Complaint, we will present our request to the Court and include this correspondence with our motion.

Craig

Craig M. Reiser
Partner



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From: Andrew J. Urgenson, Esq. <andrew@oved.com>
Sent: Thursday, January 12, 2023 3:34 PM
To: Reiser, Craig M. <creiser@axinn.com>; James Reilly, Esq. <JReilly@oved.com>
Cc: JAMIE.WINE@lw.com; nima.mohebbi@lw.com; Mike Ryan <mryan@fhvlegal.com>; Perryman, Neal F. <nperryman@lewisrice.com>; Jente, Michael L. <MJente@lewisrice.com>; Terrence A. Oved, Esq. <terry@oved.com>
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Caution: External Email

Counsel,

As requested, below is Plaintiff's position to include in your motion. Kindly include it in its entirety.

Plaintiff believes that 95 pages for Defendants' opening briefs (30 for Chess.com, 30 for Mr. Carlsen, 20 for Mr. Nakamura and 15 for Mr. Rensch) is excessive, particularly given that Chess.com and Mr. Carlsen intend to split their arguments between their two briefs, effectively affording them a 60-page joint memorandum, which is four times this Court's limit. Nonetheless, Plaintiff would not have opposed this request provided that Defendants agreed to enter a stipulated briefing schedule that allowed Plaintiff a similar number of pages for his oppositions, and an extension of time to file his oppositions that is commensurate with the number and size of Defendants' anticipated motions, and which took into consideration Plaintiff's counsel's lengthy arbitration in the middle of February. However, Defendants flatly rejected Plaintiff's request for an equal number of pages, and his request for a 26-day extension of time to file his oppositions, while also refusing to provide a counter proposal. Accordingly, Plaintiff must oppose Defendants' request to file such excessive briefing.

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From: Reiser, Craig M. <creiser@axinn.com>

Sent: Thursday, January 12, 2023 1:14 PM

To: Andrew J. Urgenson, Esq. <andrew@oved.com>; James Reilly, Esq. <JReilly@oved.com>

Cc: JAMIE.WINE@lw.com; nima.mohebbi@lw.com; Mike Ryan <mryan@fhvlegal.com>; Perryman, Neal F.

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Subject: EXTERNAL: RE: EXTERNAL: RE: EXTERNAL: Niemann v. Carlsen, et al., No. 22-1110 (E.D. Mo.)

EXTERNAL SENDER

In light of our call, we plan to file our motion at 5 pm ET today. Please let us know as soon as possible the position you would like us to represent to the Court in our filing.

Craig M. Reiser

Partner



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From: Andrew J. Urgenson, Esq. <andrew@oved.com>

Sent: Thursday, January 12, 2023 12:18 PM

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I can speak now. Can you call me at the number below with whomever else would like to join.

Best,

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From: Reiser, Craig M. <creiser@axinn.com>

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I am available before 2 pm ET and after 5 pm ET.

Craig M. Reiser

Partner



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Counsel,

Thank you for your email.

Kindly provide your availability this afternoon to discuss.

Best,

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From: Reiser, Craig M. <creiser@axinn.com>
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Subject: EXTERNAL: Niemann v. Carlsen, et al., No. 22-1110 (E.D. Mo.)

EXTERNAL SENDER

Counsel:

We plan to file a motion to dismiss Mr. Niemann's Second Amended Complaint, ECF No. 75 (the "Second Amended Complaint") on behalf of our client, Magnus Carlsen. I understand from counsel for Chess.com, LLC ("Chess.com") and Hikaru Nakamura, copied here, that they will also be moving to dismiss the Second Amended Complaint.

In connection with these forthcoming motions, we plan to file tomorrow a joint motion pursuant to Local Rule 4.01(D) requesting leave from the Court for (i) Mr. Carlsen and Chess.com to each file non-duplicative opening briefs of no more than thirty (30) pages; and (ii) Mr. Nakamura to file a non-duplicative opening brief of no more than twenty (20) pages. We assume that Mr. Niemann has no objection to this request based on our previous discussions in connection with the prior motions to dismiss, and plan to represent that position to the Court, but if Mr. Niemann does object, please advise us as soon as possible and in all events by 2 pm ET tomorrow. We are of course happy to schedule a call to discuss if necessary.

Craig

Craig M. Reiser
Partner



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